

### Remarks

In the official action mailed May 31, 2006, the examiner rejected claims 5 and 6 under 35 U.S.C. § 102(b) over Chinese patent 1153218 (CN'218). Claims 1, 2 and 4 are rejected under 35 U.S.C. § 103(a) over CN'218. Finally, claim 3 stands rejected under 35 U.S.C. § 103(a) over CN'218 in view of U.S. Patent No. 6,689,184 to Morris ("Morris").

In response to the rejections applicants provide the following distinguishing comments, which are believed to place the present case in condition for allowance. Favorable reconsideration of all of the pending claims is respectfully requested.

Initially, new claims 7-11 have been added to the present application. These claims have support in the present application at various locations, including at page 7, starting at the 3<sup>rd</sup> paragraph of the published PCT application, onto page 8.

#### I. The Rejection of Claims 5 and 6 Under 35 U.S.C. § 102(b) over CN'218.

Initially, the examiner is respectfully requested to note that claims 5 (amended to depend from claim 1) and 6 are directed to a process for producing iron oxide-containing pellets. The process requires heating green pellets in stages up to a temperature in the range of from 1275 - 1350°C. Additionally, the binder system is substantially free of hydrophobic liquid, and boric acid and boron sludge have been specifically excluded from the scope of the claims at issue. Accordingly, applicants respectfully submit that CN'218 cannot be reasonably interpreted as anticipating claims 5 and 6 as anticipation is defined under 35 U.S.C. § 102(b). As such, the rejection of claims 5 and 6 is believed to be overcome; reconsideration and withdrawal thereof is respectfully requested.

**II. The Rejection of Claims 1, 2 and 4 Under 35 U.S.C. § 103(a) over CN'218**

The examiner is respectfully requested to note that claims 1, 2 and 4 have been amended such that boric acid and boron sludge have been specifically excluded from the scope of the claims at issue. Additionally, the boron-containing compounds of claim 1, i.e., boron oxide, calcium borate, sodium borate, boron nitride, and mixtures thereof, are not disclosed or suggested by CN'218. Finally, the claimed process requires heating green pellets in stages up to a temperature in the range of from 1275 - 1350°C. CN'218 clearly does not disclose and/or suggest this process step.

In view of the foregoing distinguishing remarks, applicants respectfully submit that CN'218 cannot be reasonably interpreted as rendering claims 1, 2 and 4 unpatentable under 35 U.S.C. §103(a). The present rejection is therefore believed to be overcome; reconsideration and withdrawal thereof is respectfully requested.

**II. The Rejection of Claim 3 Under 35 U.S.C. § 103(a) over CN'218 in view of U.S. Patent No. 6,689,184 to Morris.**

In support of this rejection the examiner states that "CN'218 does not teach sodium borate is added to the pellets." (See page 4, 3<sup>rd</sup> paragraph of the office action.) In order to alleviate this deficiency, the examiner relies on Morris and states the following:

"Morris teaches a method for molding and forming rust-prone iron based powders (abstract). Morris teaches that sodium borate functions as a pH buffer to inhibit corrosion (rusting) of iron (col. 3 lines 1-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use sodium borate as an additive as taught by Morris in the binder composition of CN'218 to inhibit corrosion as taught by Morris, which one of ordinary skill in the art would expect to benefit both the pellets and the equipment used for blending and pelletization."

(page 4, 4<sup>th</sup> full paragraph of the office action.) Applicants respectfully submit that the cited documents do not render the claimed invention unpatentable under section 103(a) for the following reasons.

Initially, the claimed invention is directed to a pelletizing process wherein iron-oxide containing ore fines are agglomerated, in the presence of a binder system, in a balling drum or disk in order to form pellets. The binder system serves to hold or "glue" the finely divided mineral ore together in to pellets so that they can be transported without losing their integrity en route for further processing and induration. Without question, Morris clearly does not disclose and/or relate to a process for pelletizing iron-oxide containing ores. Rather, Morris discloses a molding composition and is concerned with molding iron based powders in to shaped articles.

Additionally, the examiner is respectfully requested to note that the claimed process relates to pelletizing unreduced iron containing ores, i.e., ore materials containing  $\text{Fe}_2\text{O}_3$ . These are unreduced iron ores, i.e., ores that contain  $\text{Fe}_2\text{O}_3$  and it is well known to the skilled artisan that these materials DO NOT oxidize, and therefore they are not susceptible to rust!!

Likewise, CN'218 also relates to a process for pelletizing unreduced iron ores, albeit with a different binder system. Since CN'218 relates to a process for pelletizing unreduced iron containing ores that are not susceptible to rust, applicants respectfully submit that one of ordinary skill in the art would clearly NOT be motivated to use sodium borate as an additive as taught by Morris in the binder composition of CN'218 to inhibit corrosion as taught by Morris. In fact, applicants submit that since the documents themselves fail to provide any motivation for the combination employed by the examiner, it is evident that this combination could only have been made through hindsight on applicants' disclosure. This clearly renders the subject rejection improper; reconsideration and withdrawal thereof is respectfully requested.

Therefore, in view of the amendments and remarks herein, the present application is believed to be in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Ralph J. Mancini  
Attorney for Applicants  
Registration No. 34,054

Akzo Nobel Inc.  
Intellectual Property Dept.  
7 Livingstone Avenue  
Dobbs Ferry, NY 10522-3408  
(914) 674-5465